United Nations S/2002/1419

Security Council

Distr.: General
26 December 2002

Original: English

Letter dated 24 December 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached letter dated 10 December 2002 from the Permanent Representative of Denmark to the United Nations, whose country holds the Presidency of the Council of the European Union (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-75751 (E) 271202

Annex

Letter dated 10 December 2002 from the Permanent Representative of Denmark to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to draw your attention to the update of the road map of the European Union action plan to combat terrorism, published on 14 November 2002, which is on file with the Secretariat and available for consultation.

I would be grateful if the present letter could be circulated as a document of the Security Council.

(*Signed*) Ellen Margarethe **Løj**
Permanent Representative of Denmark
to the United Nations

United Nations S/2002/1420

Security Council

Distr.: General
24 December 2002

Original: English

Letter dated 23 December 2002 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey the attached communication, dated 20 December 2002, which I received from the Secretary-General of the North Atlantic Treaty Organization (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(Signed) Kofi A. **Annan**

02-75720 (E) 301202

Annex

Letter dated 20 December 2002 from the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

In accordance with Security Council resolution 1088 (1996), I attach the November monthly report on Stabilization Force operations (see enclosure). I would appreciate your making this report available to the Council.

(*Signed*) George **Robertson**

Enclosure

Monthly report to the United Nations on Stabilization Force operations

1. Over the reporting period (1 to 30 November 2002) there were just over 14,000 troops deployed in Bosnia and Herzegovina and Croatia, with contributions from the North Atlantic Treaty Organization (NATO) allies and from 15 non-NATO countries.

2. During the period under review, the situation in Bosnia and Herzegovina remained stable.

Security

3. The Stabilization Force (SFOR) continues to contribute towards the maintenance of a safe and secure environment in Bosnia and Herzegovina: monitor compliance by the entity armed forces; conduct inspections and consolidation of weapons storage sites; provide support to the international organizations working in theatre, and to the Federation authorities in collecting weapons and ammunition in the framework of Operation Harvest; and monitor possible terrorist-related threats throughout the country.

4. Preparations for the transition from the International Police Task Force (IPTF) to the European Union Police Mission (EUPM) are continuing. It is expected that the memorandum of understanding/technical agreement between SFOR and EUPM will be finalized by mid-December. The first group of police officers from EUPM received initial training during the reporting period, and most have been sent as liaison officers to the multinational divisions. Information briefings on EUPM's role and capabilities have been provided to the multinational divisions and lower echelons. SFOR is encouraging other international organizations to request similar briefings so that they can become familiar with the new role of EUPM.

5. A large quantity of ammunition of various calibres, as well as grenades, anti-aircraft rounds and mines, was collected across the country during the reporting period. Most weapons appear to have been left over from the 1992-1995 war.

6. SFOR continued Operation Harvest during November. In the course of the year, items collected included 7,965 small arms (rifles, pistols and revolvers); 2,256,948 rounds of ammunition smaller than 20 millimetres; 19,285 rounds of ammunition between 20 and 76 millimetres; 2,468 rounds of ammunition larger than 76 millimetres; 35,385 hand grenades; 4,120 mines; 8,106.27 kilograms of explosives; and 47,492 other items (mortars, mortar rounds, rifle grenades, and hand-made ordnance).

Cooperation and compliance by the parties

7. The entity armed forces carried out regular training activities during the reporting period, which were in compliance with the military provisions of the Dayton Peace Agreement. A serious violation was, however, reported at Zaluzani barracks on 6 November, during a routine inspection of seven Republika Srpska Army (VRS) Gazelle Medevac helicopters. All seven retained fittings and equipment that would allow them to be quickly converted to attack helicopters. Although SFOR considered this matter to be an act of non-compliance, an agreement was reached, in full cooperation with VRS, to remove the equipment in

question. The Organization for Security and Cooperation in Europe will, in due course, certify the re-categorization of the helicopters.

8. During the period under review, SFOR monitored a total of 137 training and movement activities; 72 by VRS and 65 by the Army of the Federation of Bosnia and Herzegovina (AFBiH).

9. A total of 329 mine-clearing activities were monitored over this period, 118 by VRS and 211 by AFBiH.

10. SFOR also carried out 76 inspections and verifications of weapons and storage sites, 40 relating to VRS and 36 to AFBiH.

11. In the programme for the restructuring of the entity armed forces, the Federation Armed Forces will have achieved its reduction goals by the end of 2002, well in advance of the 2005 target date. The armed forces are, however, too large to be sustained by the federal budget. Consequently, SFOR has put forward the concept of having an active reserve force. The proposal has been well received by the local authorities, although no concrete steps have as yet been taken to define the structure or target dates.

Cooperation with international organizations

12. Within its capabilities and in accordance with its mandate, SFOR continues to provide assistance to the international organizations in theatre, including the United Nations Mission in Bosnia and Herzegovina, IPTF, the Office of the High Representative, the International Tribunal for the Former Yugoslavia, OSCE and the Office of the United Nations High Commissioner for Refugees.

13. On 27 November, SFOR provided overflight support to the Tribunal following the discovery of a mass grave near Zvornik in the Republika Srpska. It is expected that exhumation of the site — which is believed to contain up to 600 bodies, and to be the largest mass grave found in Bosnia and Herzegovina since 1996 — will begin in spring 2003. In the meantime, SFOR will, at the request of the Tribunal, provide appropriate support to prevent any tampering with the grave site.

Outlook

14. The security situation is expected to remain stable.

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Security Council

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Letter dated 23 December 2002 from the Secretary-General addressed to the President of the Security Council

Pursuant to Security Council resolution 1244 (1999), I have the honour to convey the attached report on the international security presence in Kosovo, covering the period 1 to 30 November 2002 (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

02-75714 (E) 301202

Annex

Monthly report to the United Nations on KFOR operations

1. Over the reporting period (1 to 30 November 2002) there were almost 30,000 Kosovo Force (KFOR) troops in theatre.

2. Despite some minor incidents, the overall situation in Kosovo during the month of November remained stable.

Security

3. On 16 November, there were three explosions inside the Orthodox church in Durakovac. On 17 November, KFOR reported that the small church in the village of Ljubovo had been destroyed.

4. On 28 November, Kosovar Albanians celebrated the ninetieth anniversary of Albanian independence and the birthday of a National Liberation Army "martyr", Adem Jashari, who was killed in 1998. Celebrations across the province took place peacefully.

5. KFOR continued to carry out Kosovo-wide search operations in its campaign against weapons-smuggling and activities of ethnic Albanian armed groups. Weapons and ammunition were seized daily. Items confiscated during the month included 144 assorted weapons, 230 grenades and mines and 43,509 rounds of ammunition.

6. On 15 November, the KFOR Commander had a meeting with the Head of the General Staff of the Serb Army (VJ), Lieutenant General Krga, to discuss issues of common interest. These included the patrolling of the administrative boundary line; assistance to displaced Kosovar Serbs who wished to return to Kosovo; VJ assistance for the United Nations Interim Administration Mission in Kosovo (UNMIK) plan for Mitrovica; and VJ personnel missing since 1999.

Border/boundary security

7. KFOR continued to monitor border and boundary security during the reporting period, and prevented illegal crossings. The number of incidents involving attempts to cross borders was slightly higher than in the previous month. KFOR intercepted a total of 95 attempts to cross borders illegally.

Cooperation and compliance by the parties

8. Federal Republic of Yugoslavia security forces continue to remain in compliance with the terms and conditions of the Military Technical Agreement.

9. Seventeen cases of non-compliance within the Kosovo Protection Corps were reported during the month of November. Fifty-seven cases remain open.

Cooperation with international organizations

10. KFOR and UNMIK continue to work together on a draft resolution framework for Pristina airport setting out the transition of airport operations to UNMIK/civilian control. The scheduled date for the handover of responsibility from Italy to Iceland as the lead nation is 3 March 2003. The new lead nation will be responsible until the

transition is complete. Two areas continue to cause concern: a shortage of air cargo handling equipment and a shortage of firefighters.

Outlook

11. The overall security situation in Kosovo remains stable, despite localized acts of vandalism and intimidation.

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Security Council

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26 December 2002
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Original: Arabic

Identical letters dated 23 December 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith the daily report for 23 December 2002 on the activities of the inspection teams of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) in Iraq (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed **Salman**
Chargé d'affaires a.i.

02-75781 (E) 311202 020103

Annex to the identical letters dated 23 December 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

Activities of the IAEA and UNMOVIC inspection teams in Iraq

Inspection activities on 23 December 2002

I. IAEA inspection team

A team consisting of six inspectors left the Canal Hotel at 1205 hours and arrived at the site of the Al-Razi Company, an enterprise of the Military Industrialization Corporation (MIC) some 10 kilometres north of Baghdad. The team met with the general manager and specialists and asked about the enterprise and its ownership and organizational structure and for the name of the research centre and the names of its clients. It made a tour of inspection that included the commercial division, and it examined documents relating to that division. It inspected the computers and the company's research centre and checked the tags and seals on the equipment. The team completed its assignment at 1520 hours and proceeded to the nearby Ibn al-Baytar Centre, a pharmaceutical research centre of the Ministry of Industry and Mining some 10 kilometres north of Baghdad. The regular working day was over, so the team made a tour of inspection of the main building and conducted a radiometric survey of all roads and pathways using hand-held instruments so as to detect any radioactivity there might be. It completed its mission at 1550 hours and arrived back at the Canal Hotel in Baghdad at 1910 hours.

II. UNMOVIC biological inspection team

A team consisting of nine inspectors left the Canal Hotel in Baghdad at 0835 hours and arrived at the infant formula plant in Abu Ghraib, some 15 kilometres west of Baghdad, at 0915 hours. The plant had been bombed and destroyed during the 1991 30-nation aggression and was rebuilt during the period of reconstruction. It was one of the sites visited on a number of occasions by the former Special Commission. On arrival, the team met with the manager and asked him a number of questions about the plant, its ownership and the reasons production had stopped. Its questions were answered. The team made a tour of inspection of all the facilities and buildings at the plant and checked the tagged equipment. It completed its assignment at 1105 hours and arrived back at the Canal Hotel in Baghdad at 1145 hours.

III. UNMOVIC chemical inspection team

A team consisting of 10 inspectors left the Canal Hotel at 0835 hours. At 0905 hours it arrived at the Ibn al-Baytar Centre, which had also been visited by an UNMOVIC inspection team a few days earlier. On arrival, the team met with the director of the centre and asked about the items produced and any changes there had been since 1998. The team leader requested a list of products, and the team inspected the buildings and laboratories and verified the semi-annual declarations

submitted by Iraq on 7 December 2002. The team completed its assignment at 1155 hours and arrived back at the Canal Hotel at 1220 hours.

IV. UNMOVIC multidisciplinary (chemical, biological and missile) inspection team

A team consisting of 11 inspectors left the Canal Hotel in Baghdad at 0835 hours. At 0910 hours it arrived at the Faw State Enterprise, an MIC general engineering company located in the Sab' Abkar area of Baghdad that builds bridges, paves roads and does construction. An UNMOVIC chemical inspection team had also visited the site two days before. On arrival, the team met with the general manager and asked him about the company's organizational structure and its projects. It saw an exhibition of pictures at the site documenting the projects executed by the company and its role in the period of reconstruction. The team took photographs of some of the exhibits. It then inspected the company's various divisions, workshops and offices. The team completed its assignment at 1210 hours and arrived back at the Canal Hotel at 1227 hours.

V. UNMOVIC missile inspection team

A team consisting of seven inspectors left the Canal Hotel in Baghdad at 1040 hours. At 1120 hours it arrived at the site of the technical missile battalion in the Taji area, some 40 kilometres north of Baghdad, which had been visited by a group from the missile inspection team on 22 December. The team placed seals on items of equipment subject to ongoing monitoring. It completed its assignment at 1540 hours and arrived back at the Canal Hotel at 1640 hours.

Remarks

IAEA and UNMOVIC inspection teams carried out surprise inspections at six sites in Baghdad and elsewhere with 42 inspectors taking part. The inspectors interviewed the officials in charge of the sites, and the latter answered the questions asked. The inspectors also conducted radiometric surveys of sites and equipment using hand-held instruments, and they photographed the equipment and machinery subject to monitoring at the sites they visited.

United Nations S/2002/1423

Security Council

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26 December 2002

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Letter dated 20 December 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1267 (1999), which was adopted by the Committee under the no-objection procedure on 20 December 2002 and is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234) (see annex).

(*Signed*) Alfonso **Valdivieso**
Chairman
Security Council Committee established
pursuant to resolution 1267 (1999)

02-75763 (E) 060103

Annex

Report of the Security Council Committee established pursuant to resolution 1267 (1999)

I. Introduction

1. The purpose of the present report is to present a factual summary of the Committee's activities for the period from 1 January to 20 December 2002, in accordance with the transparency measures outlined by the President of the Security Council in his note of 29 March 1995 (S/1995/234). The last report of the Committee for 2001 was submitted on 17 January 2002 (S/2002/101).

II. Background information

2. Following consultations among the members of the Security Council, the Council agreed to elect the bureau of the Committee for 2002, which consisted of Ambassador Alfonso Valdivieso (Colombia) as Chairman, with the delegations of Guinea and Singapore providing the two Vice-Chairmen (S/2002/21).

3. At the Security Council's informal consultations on 4 January 2002 the Special Representative of the Secretary-General for Afghanistan, Mr. Lakdhar Brahimi, recommended that the sanctions affecting Ariana Afghan Airlines, which the Taliban no longer controlled, be lifted expeditiously in order to facilitate the travel of Afghan Hajj pilgrims. The Committee subsequently discussed this matter, on 14 January 2002, and on the following day the Security Council adopted resolution 1388 (2002), by which it decided that Ariana Afghan Airlines was no longer subject to paragraphs 4 (a) and (b) of resolution 1267 (1999) nor to paragraph 8 (b) of resolution 1333 (2000), thereby facilitating the removal of Ariana Afghan Airlines from the Committee's consolidated list.

4. On 16 January 2002, the Security Council unanimously adopted resolution 1390 (2002). Paragraph 2 of that resolution reiterated and strengthened the financial sanctions contained in resolutions 1267 (1999), modified and extended the arms embargo provisions of resolution 1333 (2000) and imposed new travel restrictions on individuals included on the Committee's consolidated list. In the same resolution, the Security Council further decided to terminate the measures imposed under paragraph 4 (a) of resolution 1267 (1999), which required all States to deny aircraft permission to take off from or land in the territory of Member States if the aircraft was owned, leased or operated by or on behalf of the Taliban. Paragraph 2 of the resolution required that all States take the following measures in connection with Osama bin Laden, members of the al-Qa`idah organization and the Taliban, and others associated with them, as referred to in the Committee's consolidated list: freeze economic resources (financial sanctions); prevent entry into or transit through their territories (travel sanctions); and prevent the supply, sale and transfer of arms and related material (arms embargo). All States are obliged to implement the sanctions measures contained in resolution 1390 (2002) and, to that effect, paragraph 8 of the resolution called on them to amend their national laws accordingly. In paragraph 5 of the resolution the Committee was requested to regularly update the list referred to above; to seek information from all States regarding implementation of the relevant resolutions; to make periodic reports to the

Council; to promulgate expeditiously such guidelines and criteria as may be necessary to facilitate the implementation of the sanctions; and to cooperate with other relevant Security Council Sanctions Committees and with the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism (the Counter-Terrorism Committee).

5. Paragraph 9 of resolution 1390 (2002) requested the Secretary-General to assign the Monitoring Group established pursuant to paragraph 4 (a) of resolution 1363 (2001) to monitor the implementation of the measures referred to in paragraph 2 of resolution 1390 (2002) for a period of 12 months. A summary of the activities of the Monitoring Group can be found in part IV of the present report.

6. On 7 November 2002, following several months of intensive consultations, the Committee approved new guidelines for the conduct of its work. The new guidelines are based on Security Council resolution 1390 (2002) and on the relevant provisions of resolutions 1267 (1999) and 1333 (2000). The new guidelines, in addition to usual procedural issues, incorporate a non-exclusive mechanism for adding or removing individuals and entities to or from the list. The new guidelines, which replaced the previous guidelines issued on 1 February 2000, were forwarded to all Member States and relevant international organizations (SCA/2/02(17)).

III. Summary of activities of the Committee

7. During the period covered by the present report, the Committee held 10 formal meetings and 11 informal consultations of the members at the expert level. The Committee actively discharged its responsibilities defined in paragraph 5 of resolution 1390 (2002), in addition to those set out in resolutions 1267 (1999) and 1333 (2000). An account of the Committee's major activities in the specific areas of its competence follows.

8. On 11 January 2002, the President of the Security Council issued a note (S/2002/74) reporting that the members of the Council had considered, at informal consultations, a request received from the Interim Administration of Afghanistan, dated 10 January 2002, to remove the Central Bank of Afghanistan (Da Afghanistan Bank) from the Committee's consolidated list. The President further reported that, taking into account that the Interim Administration's urgent need for financial resources to meet its obligations, and noting that the Central Bank of Afghanistan was no longer controlled by the Taliban, the Members of the Council had decided, without prejudice to the responsibilities of the Committee, to remove the Central Bank from the Committee's list effective 11 January 2002.

9. At its 9th meeting, on 14 January 2002, the Committee considered the first report of the Monitoring Group on Afghanistan established pursuant to resolution 1363 (2001) (S/2002/65). The report was presented by the Chairman of the Group, Michael Chandler, who stated that the Group had chosen to take a flexible approach to the implementation of its mandate given the rapidly changing circumstances on the ground. The Committee supported the recommendations contained in the report of the Group and also voiced support for an extension of the mandate of both the sanctions regime, in a revised format, and of the Monitoring Group.

10. At its 10th meeting, on 17 January 2002, the Committee considered a draft letter from the Chairman of the Committee to the International Air Transport

Association (IATA) regarding the release of funds to the Interim Administration of Afghanistan. The funds derived from fees collected by IATA for overflights over Afghanistan, which the Association had held in escrow. The Committee agreed that a rapid release of the funds, about 25 million United States dollars, would be a sign of support for the new Interim Administration of Afghanistan and decided to send a letter to that effect, in addition to contacting IATA to help prevent any possible delays in releasing the funds. At the same meeting, the Committee discussed how to implement resolution 1390 (2002), adopted on 16 January 2002. Noting that the resolution did not make reference to any specific territory, the Committee decided to consider renaming itself, excluding the reference to "Afghanistan".

11. At its 11th meeting, on 11 February 2002, the Committee considered two notes verbale from Sweden requesting the removal of three individuals of Swedish nationality and one entity from the Committee's list and decided to undertake a substantial examination of that request. Sweden was invited to participate in the meeting and was represented by the Director-General for Legal Affairs of the Swedish Ministry of Foreign Affairs. Committee members recognized the importance of striking a balance between speed and effectiveness in the fight against terror, on the one hand, and the human rights of individuals protected on the international and national levels on the other. Following the meeting, the Chairman gave a briefing to the press and interested Member States. The briefing was attended by a large audience, suggesting that the issue raised by Sweden was of importance to other countries also.

12. On 14 March 2002, the Chairman of the Committee held a briefing for interested Member States. The meeting was convened to address the concerns raised by some delegations wishing to know more about the Committee's activities. In his briefing, the Chairman provided the background to the evolution of the Committee's mandate; explained that, pursuant to the adoption of resolution 1390 (2002), the sanctions applied were global in nature; noted that the Security Council had decided to maintain the Monitoring Group originally created pursuant to resolution 1363 (2001); enumerated the main tasks of the Committee; clarified the Committee's procedures for adding and removing individuals and entities from the list; drew attention to the delicate balance the Committee sought to maintain between respecting the human rights of those inscribed on the list versus the need to take preventive measures in the struggle against terrorism; and stressed that the reports submitted by States pursuant to resolution 1390 (2002) should include details regarding actual steps they had taken to give effect to the implementation of paragraph 2 of the resolution.

13. On 13 May 2002, at the Committee's 12th meeting, the Chairman of the Monitoring Group established pursuant to Security Council resolution 1363 (2001), and extended by resolution 1390 (2002), briefed members of the Committee on the substantive issues contained in the first report that the Monitoring Group had submitted pursuant to paragraph 10 of resolution 1390 (2002). Following discussion of the report, the Committee decided that it should be forwarded to the President of the Security Council for issuance as an official document (S/2002/541).

14. The Committee held several informal meetings (29 May 2002, 14 June 2002 and 12 July 2002) to discuss the reformatting of the Committee's consolidated list. At its 13th meeting, on 8 August 2002, a member of the Monitoring Group briefed the Committee on a proposal drawn up by the Monitoring Group and the Secretariat

for improving the format of the consolidated list of individuals and entities against whom the sanctions are applied. Regarding the individuals in the Taliban section of the list, it was suggested that all purely titular elements that had previously been included with the names be removed. Regarding the individuals associated with Osama bin Laden and the al-Qa'idah organization, the Monitoring Group presented recommendations for changing the order of names for some individuals to bring them into conformity with standards common in the Arab world. The Secretariat is currently working on an expedited basis to reformat the consolidated list in order to present all available information, including any re-ordering of names approved by the Committee, in the most user-friendly way.

15. At an informal meeting, held on 14 August 2002, the Committee discussed a proposed statement by the Chairman of the Committee on its listing procedures (removing names from the list). The statement was approved by the Committee under the no-objection procedure and issued on 16 August 2002 (SC/7487). The contents of that statement were subsequently incorporated into the Committee's guidelines.

16. At its 14th meeting, on 23 August 2002, the Committee heard a presentation on the internal processes and procedures for de-listing individuals and entities designated by the United States Government as being linked to terrorist activities by the Under-Secretary for Enforcement and the Deputy Assistant Secretary for Terrorism and Violent Crime of the United States Department of the Treasury.

17. The 15th meeting of the Committee, held on 4 September 2002, was convened to consider the second report that the Monitoring Group under the mandate contained in resolution 1390 (2002), submitted to the Committee on 22 August 2002. The Chairman of the Monitoring Group briefed members on the substantive contents of the report, underscoring that al-Qa'idah continued to pose a significant threat to international peace and security. During the discussion that followed, some members expressed concern that a draft of the report had been leaked to the media and that a number of articles citing the draft report regarding failures by some States in halting terrorist financial networks had appeared in the press on 30 August 2002. At the 16th meeting of the Committee, on 18 September 2002, the Chairman reported that the Monitoring Group had held bilateral meetings with those delegations that had raised specific questions about the report. Those bilateral discussions had led to minor amendments to the report. The Committee agreed to convey the report of the Monitoring Group to the Security Council to be circulated as an official document (S/2002/1050 and Corr.1).

18. At its 17th meeting, on 16 December 2002, the Committee considered the third report of the Monitoring Group (S/2002/1338), which was presented by the Group's Chairman. Members commended the report and found its recommendations aimed at the strengthening of the current sanctions regime worth studying. Some members sought further clarifications on such issues as the immediate official transmittal of the Committee's list to Member States, the status of those individuals who attended al-Qa'idah terrorist training camps and the strengthening of the implementation of financial prohibitions, arms embargo and travel bans. The Committee decided to release the report in its English version for the mass media and to forward to the Security Council all the recommendations made by the Group in its three previous reports submitted pursuant to paragraph 10 of resolution 1390 (2002).

19. On 23 September 2002, the Committee sent out letters to 30 States identified by the Monitoring Group, requesting additional information on specific names included in the Committee's consolidated list. At the same time, all Member States were requested to provide information to the Committee on any individual or entity on the list, in particular those names appearing on the list without identifiers. Member States were requested to reply to the Committee by 31 October 2002. As of 20 December 2002, the Committee received a limited number of replies, some of which contain valuable additional information.

20. The Committee held two informal meetings (27 September 2002 and 8 October 2002), to discuss the recommendations contained in the second report of the Monitoring Group (S/2002/1050). In response to the recommendations in the report the Committee decided: (a) to send a letter to States reminding them that they should disseminate the list as widely as possible to all competent authorities and that they should cooperate with the Committee and the Monitoring Group; (b) to write to the Chairman of the Stockholm Process on Implementing Targeted Sanctions to seek suggestions emanating from that process on strengthening the implementation capacities of States that might facilitate the implementation of the Monitoring Group's recommendations; (c) to bring relevant recommendations in the report of the Monitoring Group to the attention of the Counter-Terrorism Committee; and (d) to send a letter to the Under-Secretary-General of the Department of Disarmament Affairs. In the letter of the Under-Secretary-General, the Committee expressed its gratitude to the Department of Disarmament Affairs for sharing the content of the letter and the report of the Monitoring Group with the 2003 follow-up conference of the United Nations Conference of the Illicit Trade in Small Arms and Light Weapons in All its Aspects. A similar letter was addressed to the Chairman of the First Committee of the General Assembly, drawing his attention to relevant recommendations of the Monitoring Group related to the implementation of the arms embargo, including the registration and tracking of arms sales and arms brokers; and (e) to send letters to approximately 120 remaining States that had not reported to the Committee in accordance with paragraph 6 of resolution 1390 (2002) on the steps they had taken to give effect to the measures referred to in paragraph 2 of resolution 1390 (2002).

21. On 30 September 2002 the Chairman of the Committee held a presentation at the informal consultations of the Security Council with the intent of promoting a debate on the activities and prospects of the Committee. In his presentation, the Chairman drew attention to the Committee's main objective, namely, to fight terrorism, and to its distinction from other sanctions Committees. The Chairman also stressed that the challenge presented by the new dimension of international terrorism required a proactive and vigilant approach as well as innovative counter-terrorism arrangements.

22. On 18 December 2002, the Security Council heard briefings by the outgoing Chairmen of four Council Sanctions Committees established pursuant to resolutions 661 (1990), 864 (1993), 1267 (1999) and 1343 (2001). Ambassador Valdivieso, Chairman of the Committee established pursuant to resolution 1267 (1999) stressed that terrorism was one of the major challenges to the international peace and security and, in this connection, reiterated that the Committee was the only active sanctions committee to fight terrorism, in particular that of the Taliban and al-Qa'idah. He underlined that even though international terrorism was not new, it had acquired a new dimension after 11 September, and added that recent terrorist attacks

had created more awareness of the new challenges. He emphasized that Member States had an obligation to provide information to the Committee on their compliance with the relevant Security Council resolutions and that Member State compliance should be subject to the Security Council's consideration during its review of the present sanctions measures in January 2003, with a view to rendering them more effective. Finally, he referred to the third report of the Monitoring Group and recommended that Member States should take into consideration the Group's recommendations in their implementation of the sanctions measures.

Other activities

23. The Committee has established a web site providing relevant information regarding its activities (http://www.un.org/Docs/sc/committees/1267Template.htm). The web site, which is regularly updated, contains, inter alia, an up-to-date consolidated list, all press releases issued by the Committee (including those concerning changes to the list), and the Committee's guidelines for the conduct of its work.

24. On 14 November 2002, the Committee agreed to modify the title and introductory text of its consolidated list. In accordance with paragraph 5 (a) of Security Council resolution 1390 (2002), the Committee has paid special attention to maintaining and updating the list of individuals and entities subject to the sanctions measures. Since 1 January 2002, the list has been updated 15 times to reflect the addition of 30 individuals and 24 entities and the removal of 4 individuals and 9 entities. Seven of the requests to revise the list were received by the Committee as joint submissions, in which the original principal request was simultaneously endorsed by additional States. As a result, a total of 59 States have participated in requesting revisions to the consolidated list. As of 20 December 2002, the list contained the names of 152 individuals and 1 entity under section A (Taliban) and 80 individuals and 91 entities under section B (al-Qa'idah).

25. Members of the Committee have expressed their support for the adoption of a Security Council resolution that would provide for specific humanitarian exemptions from the measures imposed by resolution 1390 (2002) and relevant portions of resolutions 1267 (1999) and 1333 (2000). On 20 December 2002, the Security Council unanimously adopted resolution 1452 (2002), which addresses humanitarian exemptions regarding paragraph 4 (b) of resolution 1267 (1999) and paragraphs 1 and 2 (a) of resolution 1390 (2002).

IV. Monitoring Group

26. The Security Council, in paragraph 3 of its resolution 1363 (2001) of 30 July 2001, requested the Secretary-General to establish, in consultation with the Committee established pursuant to resolution 1267 (1999), within 30 days of the date of the adoption of the resolution and for a period running concurrently with the application of the measures imposed by resolution 1333 (2000), a mechanism consisting of a Monitoring Group in New York of up to five experts, including its Chairman, and a 15-member Sanctions Enforcement Support Team. Owing to political developments in Afghanistan, the Enforcement Support Team was never established. The Monitoring Group was tasked to monitor the implementation of all the measures imposed by resolutions 1267 (1999) and 1333 (2000). In accordance

with paragraph 4 (a) of resolution 1363 (2001), the Secretary-General appointed five members of the Monitoring Group on 18 September 2001 (S/2001/887), three of whom were subsequently unable to assume their functions and were replaced (S/2001/952 and S/2001/1056).

27. With the adoption of Security Council resolution 1390 (2002) on 16 January 2002, the mandate of the Monitoring Group was extended for a period of 12 months and the Monitoring Group was assigned to monitor the implementation of the measures referred to in paragraph 2 of the resolution. The current composition of the Monitoring Group is (S/2002/516):

Mr. Michael Chandler (United Kingdom) — Chairman
Mr. Philippe Graver (France)
Mr. Hassan H. Ali Abaza (Jordan)
Mr. Surendra Bahadur Shah (Nepal)
Mr. Victor Comras (United States of America)

28. The Committee considered the first report of the Monitoring Group under its original mandate at its 9th meeting, held on 14 January 2002. In its report, the Monitoring Group recommended, inter alia, that the weapons embargo be maintained against the Taliban, al-Qa`idah and their supporters and that the freezing of funds and other assets of individuals, entities related or associated with the Taliban, al-Qa`idah and Osama bin Laden be maintained and monitored for compliance. Members of the Committee expressed support for those recommendations and decided to submit the report to the Security Council (S/2002/65).

29. On 29 April 2002, the Monitoring Group submitted its first report under the mandate contained in Security Council resolution 1390 (2002), which took into account the "90-day" reports from States that were due by mid-April 2002 (S/2002/541). The Group appreciated the support and assistance provided by the majority of States and encouraged all States to adopt a similar approach. The report contained concrete recommendations regarding the consolidated list with respect to its use for freezing and control of financial assets and implementation of the travel bans and on the arms embargo. With regard to the list, the Group suggested its wide dissemination and issuance in all the official languages of the United Nations. The Group also encouraged States to become parties to the International Convention for the Suppression of the Financing of Terrorism and to join the "Kimberly Process" in order to reduce the opportunities for the diamond trade to be abused by al-Qa`idah and its supporters. With regard to the arms embargo, the Group encouraged States to become members of the Wassenaar Arrangement and to consider the standardization of end-user certificates and registration of all their nationals operating as arms brokers and dealers within their territory.

30. The second report of the Monitoring Group under the mandate contained in resolution 1390 (2002) was submitted on 22 August 2002 (S/2002/1050 and Corr.1). The report provided an update of the activities and findings of the Group along with recommendations concerning improvements to the implementation of resolution 1390 (2002). The report recommended that much greater use be made of the Committee's list as a nified, authoritative and key control document, which places obligations on all States.

31. The Group noted in the report that the task of locating and freezing of assets belonging to al-Qa`idah and its associates had become exceedingly difficult, and that the lack of sufficient identifying information concerning persons on the Committee's list and the stringent evidentiary requirements necessary to obtain judicial approval for such actions had further complicated the process. The Monitoring Group recommended that steps be taken to increase intelligence and information sharing between interested States. The recommendations in the report addressed the concerns identified by the Monitoring Group regarding the disbursement and funding of financial assets through some religious charities, alternative remittance systems or petty crime. It also recommended that greater efforts should be made to track down and close down businesses and entities supporting al-Qa`idah.

32. The Monitoring Group also reported that although some Governments had taken steps to tighten visa and border controls, members of al-Qa`idah and the Taliban continued to move undetected across international borders, some using falsified travel documents or travelling via well-established illegal immigration routes. Visiting a number of border entry points, the Monitoring Group had learned that many States were unable to include some of the names from the Committee's list to their national lists because of the lack of minimum required identifiers. The Monitoring Group recommended that all States ensure that the consolidated list is adequately integrated into their border control procedures.

33. The Monitoring Group also noted that implementing the arms embargo continued to be a highly challenging and complex task, as it had not been imposed on a specific territory, but rather on individuals and entities. In order for the arms embargo to be effective, the Group suggested that the traditional smuggling networks, their usual routes and all the actors in the illicit arms trade and their operations be disrupted. The Group also suggested that more stringent national regulations by States were necessary to deter terrorists and their suppliers from easily obtaining weapons.

34. The report of the Monitoring Group concluded that although the measures adopted by the international community had made a marked impact on al-Qa`idah, forcing it go to underground, to reposition its assets and to seek new recruits, the organization was, by all accounts, "fit and well" and poised to strike again.

35. The Monitoring Group submitted its third report under the mandate of resolution 1390 (2002) on 4 December 2002 (S/2002/1338). The report provided an update of the activities and findings of the Group along with the recommendations concerning improvements to the implementation of resolution 1390 (2002). The Monitoring Group noted that al-Qa`idah continued to pose a threat to international peace and security that no country or group of countries could deal with alone. In this connection, the Group stressed that without broad information sharing and police investigative cooperation among States and the application of international financial controls, al-Qa`idah would continue to be able to resist, recruit and re-arm. The Group also observed that combating terrorist financing continued to pose many challenges owing to the complexities of international financial transactions and the uneven application of regulatory and control measures. The Group further noted that the funding of al-Qa`idah and associated terrorist groups through charities and other organizations continued to be unregulated in many countries. With regard to the travel ban, the Group pointed out that some al-Qa`idah operatives remained

unidentified, or, if identified, had not been communicated sufficiently to other jurisdictions or their names had not been provided to the Committee for inclusion on the list. In addition, some borders continued to be porous and difficult to monitor, while in some cases inadequate measures were in place to restrict travel of the individuals inscribed on the list. The Group also observed that the arms embargo continued to present a major challenge and that recent events had demonstrated that al-Qa`idah continued to have access to substantial quantities of arms and explosives.

36. On 17 December 2002, the Chairman of the Monitoring Group held a press conference to inform the mass media about the main issues contained in the third report of the Group. The questions from the media focused on the issues of training camps in Afghanistan, the possibility that al-Qa`idah possessed weapons of mass destruction and alleged connections between Iraq and al-Qa`idah's activities. The press conference was appreciated by all present as timely and very informative.

V. Responses received by the Committee from Member States on their implementation of Security Council resolutions 1267 (1999), 1333 (2000) and 1390 (2002)

37. By paragraph 6 of Security Council resolution 1390 (2002), all States were requested to report to the Committee on the measures they had taken with respect to Osama bin Laden, members of al-Qa`idah organization, members of the former Taliban regime and individuals, groups, undertakings and entities associated with them whose names appear on the Committee's list.

38. As of 20 December 2002, the Committee had received 80 reports from States.[1] At the request of the Committee, the Monitoring Group reviewed all the reports the Committee had received as of 15 August 2002. A detailed evaluation of the reports submitted by States pursuant to resolution 1390 (2002) is contained in the second report of the Monitoring Group (S/2002/1050, paras. 100-121). The reports received after 15 August 2002 largely reflect similar measures taken and issues raised as the reports analysed by the Monitoring Group.

39. The great majority of reporting States indicated that they had taken steps to ensure that they had sufficient authority, through legislation, executive decree or administrative regulations, to comply with paragraph 2 of resolution 1390 (2002). Where these mechanisms were not yet available, States informed the Committee that a draft law to rectify the situation was either under discussion or had been elaborated. Regarding paragraph 4 of resolution 1390 (2002), which stipulates the

[1] In order of submission: Belarus, United Kingdom of Great Britain and Northern Ireland, Cyprus, Czech Republic, Sweden, Singapore, Brazil, Algeria, New Zealand, Poland, Germany, South Africa, Slovak Republic, Denmark, Bulgaria, Slovenia, Republic of Moldova, Syrian Arab Republic, France, Colombia, Estonia, Argentina, Romania, Monaco, Paraguay, Peru, Thailand, Portugal, Norway, Malta, Saudi Arabia, Latvia, Guatemala, Chile, Italy, Hungary, Japan, United States of America, Russian Federation, Yugoslavia, Australia, Canada, Netherlands, Spain, Namibia, Mexico, India, Tunisia, Ireland, Azerbaijan, Kazakhstan, Bahrain, Jamaica, Madagascar, China, Finland, the former Yugoslav Republic of Macedonia, Andorra, Pakistan, Turkey, Ukraine, Democratic People's Republic of Korea, Mali, Austria, Lebanon, Switzerland, Liechtenstein, Iceland, Islamic Republic of Iran, Cook Islands, Republic of Korea, Mauritius, Sierra Leone, United Arab Emirates, Jordan, Malaysia, Qatar, Kyrgyz Republic, Uzbekistan, and Oman.

reporting of financial assets that the States have frozen, the majority of reporting States indicated that no assets had been frozen, some States did not indicate whether they had found or frozen any financial assets. On measures taken concerning the travel ban, some countries indicated that they had either already adopted stricter legislation on immigration matters or were in the process of doing so. Concerning the arms embargo, the majority of the reports indicated that the State had laws regulating the acquisition, possession and manufacturing of weapons, ammunition and explosives, as well as the control of the export of dual-use items, transfer of technology, technical advice, and assistance and training related to military activities, in addition to penalties in case of breach of such law. With regard to the establishment of procedures to combat terrorism and the violation of relevant Security Council resolutions, several States indicated that they were in the process of or had enacted relevant laws.

40. Only a fifth of the responses addressed the issue of possible problems or difficulties in implementing resolution 1390 (2002), many of which indicated the problems concerning the identification of individuals and entities on the Committee's list. Concerning the request to indicate information that had already been submitted to the Counter-Terrorism Committee to avoid duplication, the overwhelming majority did signal that they had presented relevant information to that Committee.

VI. Humanitarian implications of the sanctions measures

41. Prior to the significant change in the Committee's mandate subsequent to the adoption of resolution 1390 (2002), a representative of the Office for the Coordination of Humanitarian Affairs was invited to the 8th meeting of the Committee, on 10 January 2002, to introduce the report of the Secretary-General on the humanitarian implications of the measures imposed by Security Council resolutions 1267 (1999) and 1333 (2000) on the territory of Afghanistan under Taliban control (S/2001/1215). He noted that the main causes of human suffering in Afghanistan during the period under review were not directly related to the sanctions. The report, which the members considered well-balanced, also drew attention to the public information campaign within the Taliban-controlled areas of Afghanistan against the United Nations sanctions.

VII. Conclusions and observations

42. Although the Committee established pursuant to resolution 1267 (1999) was established in order to contribute to the suppression of international terrorism, initially it only achieved limited results. In the wake of the terrorist attacks of 11 September 2001, the Committee's mandate was redefined by resolution 1390 (2002), by which the Security Council expanded the counter-terrorist measures beyond the territory of Afghanistan formerly controlled by the Taliban to include individuals and entities belonging to or associated with the Taliban, Osama bin Laden and the al-Qa'idah organization, regardless of their location.

43. The new global character of the Committee's mandate offers greater opportunities for achieving the objectives outlined by the Security Council in the fight against terrorism and for the more effective discharge of the Committee's

mandate. At the same time, the Committee's work has become more complex and challenging, requiring a great deal of creativity, persistence and constant re-evaluation of the results achieved.

44. The Committee's list of individuals and entities belonging to or associated with the Taliban, Osama bin Laden and the al-Qa'idah organization remains a critical tool for the implementation of all sanctions measures, namely the freezing of financial assets, the travel ban and the arms embargo. Although it is unlikely that the current list includes all individuals or entities engaged in terrorist activities, or supporting them, the list remains the best instrument at the Committee's disposal to guide the actions of States in the fight against terrorism and to monitor what States have done in concrete terms to prevent further terrorist activities.

45. As evidenced by the numerous discussions in the Committee and reactions from Member States, it is obvious that the quality of the list needs further improvement to make it more accurate and readily usable. With the assistance of the Monitoring Group established by resolution 1363 (2001) and extended by resolution 1390 (2002) and Member States, the Committee is determined, on a priority basis, to make additional efforts to modify and update the list to best serve the objectives of the established sanctions regime. While such reformatting should improve the list's readability on the Internet and in hardcopy, States will still need to take the necessary steps to harmonize the information contained in the consolidated list with existing national legal and administrative systems. In addition, it must be understood that the reformatting of the list is not a substitute for the provision of vital information, such as reliable names and passport numbers, which is currently missing for many entries on the list.

46. The work of the Monitoring Group has become indispensable for the effective discharging of the Committee's mandate. The Monitoring Group, consisting of experts in the distinct areas relevant to the established sanctions regime, provides the Committee with valuable assessments of the implementation of all sanctions measures and offers concrete and practical recommendations to the Committee. Its systematic and thorough work, based on frequent contacts with the countries and international organizations crucial to the fight against terrorism, and its pursuance and evaluation of reported violations, has enabled the Committee to focus with more precision on results-oriented actions.

47. As the fight against terrorism is not an issue to be pursued by a few States, but by all, publicity regarding the work of the Committee and other specialized bodies in this area has gained a new prominence. It is important to explain through the mass media what the United Nations is doing in this area, what objectives it is pursuing and what challenges it is facing. In this regard, the Committee was able, thanks to the Chairman's sensitive and balanced approach, to elucidate the dilemma that it occasionally faces when placing certain individuals and entities on its list; to act in a preventive and pre-emptive manner; and at the same time take into consideration obligations of States with regard to individual human rights granted under their national legislation. In addition, the recently adopted Committee procedures brought clarity to this issue.

48. During the reporting period, the Committee and its secretariat accumulated valuable knowledge and experience in monitoring and administering a complex and unprecedented sanctions regime. While the activities of the Committee and the Monitoring Group proved to be complementary and mutually beneficial for

achieving the objectives set out by the Security Council, more interaction with other bodies active in the fight against terrorism, both within and outside the United Nations, in particular with the Counter-Terrorism Committee, will be required. All sanctions measures against the listed individuals and entities are targeted measures and as such are a highly technical policy instrument. To be implemented effectively, they need, in addition to unequivocal support by Member States, input from a wide range of specialized actors beyond the United Nations. With the assistance of the Monitoring Group, the Committee intends to strengthen its links of cooperation with such entities in order to engage Member States in more proactive, focused and effective implementation of all sanctions measures adopted by the relevant Security Council resolutions.